



## ENFORCEMENT ACTION IN FRANCE

The French authorities' action on enforcing the application of the PPE Directive to motorcyclists' clothing commenced with shipments of gloves being impounded by French Customs. These consignments were seized because they failed to carry the "man on a motorcycle" pictogram symbol which appears in EN 13594. At that time, all manufacturers were required to do was to affix the correct label to the gloves in order for their shipments to be released. No testing to the standard or third party certification was required by the authorities.

The situation developed to such a point, however, that the French authorities seemingly adopted the entirely reasonable view that certain features on motorcycle clothing and equipment rendered it PPE, irrespective of the manufacturer's own categorisation. The outcome of this stance saw one leading motorcycle brand prosecuted by the French authorities, with another global brand facing the same fate until they agreed to remove their motorcycle clothing range from the French market. Other major brands were issued with injunctions, forcing them to "cease and desist" selling any motorcycle clothing which had not been independently tested and CE marked.

French clothing brands sought a solution to this situation by working with their domestic testing laboratories to develop technical specifications called the French Protocols: one for garments and one for gloves. These were largely based on the content of EN 13595 and EN 13594, respectively, but with much lower performance requirements, as they were said to be intended for clothing for "non-professional use", as distinct from the "professional use" scope of the European Standards. For example, the French Protocol for garments included "no test" requirements in the areas less at risk of coming into contact with the road in an accident, and the areas of enhanced abrasion protection at highest risk of abrasion were merged with the areas at moderate risk of abrasion, with the test requirements reduced correspondingly.

The publication of the two French Protocols enabled domestic manufacturers and, later, other companies wishing to sell their motorcycle clothing products on the French market. Thinner, lightweight, nylon or polyester garments and gloves and those made from lighter leather were able to obtain a legitimate CE mark, even though the severity of testing was lower than that specified in the official European Standards.

The French Protocol for motorcyclists' gloves was withdrawn when EN 13594:2015 was published, as the revision to the European Standard dropped the original, 2002 version's "professional use" scope.

Shortly afterwards, the French authorities introduced "Decree 2016-1232"; a requirement for all riders and passengers on motorcycles to wear gloves conforming to the requirements of the PPE legislation.

The action taken by the French authorities has reportedly been echoed by their counterparts in Italy, with major domestic brands there seemingly put on notice that they face prosecution if they do not bring their motorcycle clothing products into compliance with the PPE legislation.